

1 | § 12-15-1.1. [GP] Purposes of Alabama Juvenile Justice Act; short title; ~~purpose clause;~~
2 | goals for juvenile court.

3 | This chapter shall be known as the Alabama Juvenile Justice Act. The purpose of this chapter is
4 | to facilitate the care, protection, and discipline of children who come within the jurisdiction of
5 | the juvenile court, while acknowledging the responsibility of the juvenile court to preserve the
6 | public peace and security.

7 | In furtherance of this purpose, the following goals have been established for the juvenile court:

8 | (1) To preserve and strengthen the child's family whenever possible, including improvement
9 | of the child's home environment.

10 | (2) To remove the child from the custody of his or her parents only when it is judicially
11 | determined to be in his or her best interest or for the safety and protection of the public.

12 | (3) To reunite a child with his or her parents as quickly and as safely as possible when the
13 | child has been removed from the custody of his or her parents.

14 | (4) To secure for any child removed from parental custody the necessary treatment, care,
15 | guidance, and discipline to assist him or her in becoming a responsible productive member of
16 | society.

17 | (5) To promote a continuum of services for children and their families from prevention to
18 | aftercare, considering wherever possible, prevention, diversion, and early intervention.

19 | (6) To promote the use of community based alternatives as deterrents to acts of juvenile
20 | delinquency and as least restrictive dispositional alternatives.

21 | (7) To hold a child found to be delinquent accountable for his or her actions to the extent of
22 | the child's age, education, mental and physical condition, background, and all other relevant
23 | factors and to provide a program of supervision, care, and rehabilitation, including restitution by
24 | the child to the victim of his or her delinquent acts.

(8) To achieve the foregoing goals in the least restrictive setting necessary, with a preference at all times for the preservation of the family and the integration of parental accountability and participation in treatment and counseling programs.

Judicial procedures through which these goals are accomplished will assure the parties a fair hearing where their constitutional and other statutory rights are recognized and enforced.

This chapter shall be liberally construed to the end that each child coming within the jurisdiction of the juvenile court shall receive the care, guidance, and control, preferably in his or her own home, necessary for the welfare of the child and the best interest of the state.

§ 12-15-2. ~~[GP] Circuit courts and district courts to exercise original concurrent juvenile jurisdiction;~~ Juvenile court judges may be circuit or district court judges; maintenance of ~~separate juvenile docket and entry of orders and decrees as to juvenile cases in separate minute book~~ juvenile case action summaries; promulgation of rules of procedure for juvenile courts; powers of judges of juvenile courts as to issuance of writs and processes ~~generally; powers of judges of courts as to issuance of writs generally; jurisdiction and as to equity powers~~ generally.

(a) ~~The circuit court and the district court shall exercise original concurrent juvenile jurisdiction sitting as the juvenile court. A circuit or district court judge may be designated as a juvenile court judge.~~

(b) The juvenile court shall ~~keep a docket which shall be maintain a~~ separate and distinct ~~from any other docket kept in said court, and the orders and decrees of the court relating to such cases shall be entered in a separate minute book~~ case filing system.

(c) The Supreme Court of Alabama shall promulgate rules governing procedure in the juvenile court.

(d) The juvenile court shall have full power and authority to issue all writs and processes necessary to the exercise of such jurisdiction and to carrying out of the purposes of this chapter.

(e) The judge of the court shall have power to issue ~~writs-warrants~~ of arrest, pick-up orders, and writs of habeas corpus to have brought individuals before the court ~~children alleged to be dependent, delinquent or in need of supervision to be dealt with by said court underpursuant to~~ the terms of this chapter.

(f) The juvenile court shall have ~~and exercise the jurisdiction and equity power possessed by courts in this state.~~

~~§ 12-15-3. Designation of juvenile judges; requirement of monthly reports by judges as to work of juvenile courts.~~

~~Repealed by Act 2000-749, effective August 1, 2000.~~

~~§ 12-15-4. Advisory boards.~~

~~(a) The judge of the juvenile court may appoint not less than five nor more than 25 citizens of the district, known for their interest in the welfare of children, who shall serve without compensation, to constitute and be the advisory board of the juvenile court in matters relating to the welfare of children. Such advisory board shall organize by electing such officers and by adopting such bylaws, rules and regulations for its government as it shall deem best for the purposes of this chapter. Such board shall hold office at the pleasure of the court or of the judge thereof.~~

~~(b) The duties of the advisory board shall be as follows:~~

~~(1) To assist the court in securing the services of volunteer probation officers when the services of such officers shall be deemed necessary or desirable;~~

~~(2) To visit institutions which are charged with caring for children and, whenever practicable, other institutions to which the court, from time to time, may make commitments;~~

~~(3) To advise and cooperate with the court upon all matters relating to the welfare of children;~~

~~(4) To recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of this chapter and to make themselves familiar with the work of the court under this chapter; and~~

~~(5) To make, from time to time, a report to the public of the work of such court.~~

§ 12-15-5. IDEI Exercise of authority by district attorney in juvenile delinquency proceedings generally; assistance of juvenile court by district attorney; representation of state by district attorney in delinquent cases appealed ~~by from~~ juvenile courts.

The district attorney of the judicial circuit in which the case is pending ~~may shall~~ exercise his authority and prosecute in all cases arising under this chapter.

~~The juvenile court may call upon the district attorney to assist the court in any proceeding under this chapter. It shall be the duty of such district attorney to render such assistance when so requested.~~

~~Said-The~~ district attorney shall represent the ~~state-State~~ in all delinquency cases arising under this chapter appealed ~~from to~~ the juvenile circuit court; the Attorney General shall represent the State in appeals to the Alabama Court of Criminal Appeals.

§ 12-15-6. IGP Referees: Qualifications-qualifications and appointment ~~of referees~~;

conduct of hearings of cases by referees; transmission of findings and recommendations for disposition of referees to judges; provision of notice and written copies of findings and recommendations of referees to parties; rehearing of cases by judges; when findings and recommendations of referees become decree of court.

1 (a) The presiding juvenile judge of the court may appoint one or more persons to serve as
2 referees on a full-time or part-time basis subject to approval of the ~~administrative director of~~
3 ~~courts~~Administrative Director of Courts. Referees shall be licensed to practice law in this ~~state;~~
4 ~~provided, that referees serving as such for 10 or more years on January 16, 1977, will not be~~
5 ~~required to be members of the bar of this state~~State.

6 (b) The presiding juvenile judge may direct that hearings in any case or class of cases be
7 conducted in the first instance by a referee unless:

8 (1) The hearing is one to determine whether a case shall be transferred for criminal
9 prosecution; or

10 (2) The hearing is one where evidence is presented to terminate parental rights; or

11 ~~(23)~~ A party objects to the hearing being held by a referee.

12 (c) A hearing before a referee shall be conducted in the same manner as a hearing before the
13 judge of the court, including, but not limited to recording the proceedings.

14 ~~(ed)~~ Upon the conclusion of a hearing before a referee, ~~he the referee~~ shall ~~transmit in~~
15 ~~writing~~file with the cler of the court his or her written findings and recommendations for
16 disposition to the judge. ~~Written notice of the~~Copies of the referee's written findings and
17 recommendations ~~together with copies thereof~~ shall be given provided to the parties to the
18 proceeding. The written notice shall also inform them of the right to a rehearing before the judge.

19 ~~(de)~~ A rehearing before the judge may be ordered by the judge at any time and shall be
20 ordered if any party files a written request therefor within 14 days after receipt of the referee's
21 written notice or filing of the referee's findings and recommendations with the clerk of the court.
22 Upon rehearing, when adequate records have been kept in the proceedings before the referee, the
23 court shall review the record and, in the discretion of the judge, may admit new evidence. If the
24 ~~referee has~~record is not ~~kept~~ adequate ~~records~~, the rehearing shall be de novo.

(ef) ~~If a hearing before the judge is not requested or ordered or the right thereto is waived,~~
~~the~~The findings and recommendations of the referee, ~~if confirmed by an order of the judge or as~~
~~modified by the judge,~~ shall become the decree of the court when subsequently ratified by the
original signature of the judge. However, the decree shall be stayed if a party requests a
rehearing before the judge within 14 days.

§ 12-15-7. [GP] Juvenile probation officers: Appointment, appointment; terms of office,
~~etc., of probation officers;~~ designation of chief probation officer, etc.; duties of
juvenile probation officers generally; powers of juvenile probation officers and
representatives of Department of Human Resources as to taking into custody and
placing in shelter or detention care of children generally; procedure upon taking
into custody of child by probation officer or representative of Department of
Human Resources generally.

(a) For the purpose of carrying out the objectives and purposes of this chapter and subject to
the limitations of this chapter or imposed by the court, a juvenile probation officer shall perform
all of the following duties:

(1) Make investigations, reports, and recommendations to the juvenile court.

~~(2) Receive and examine complaints and allegations of delinquency, in need of~~
~~supervision, or dependency of a child for the purpose of considering the commencement of~~
~~proceedings under this chapter.~~

~~(3) Refer to the Department of Human Resources for investigations, reports, and~~
~~recommendations those complaints and allegations of dependency or other appropriate~~
~~matters and may refer to the Department of Human Resources for investigations, reports, and~~
~~recommendations those complaints on children in need of supervision.~~

(2) Serve as an intake officer when designated by the court.

(43) Supervise and assist a child placed on probation or in his or her protective supervision or aftercare by order of the court or other authority of law.

(54) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable.

(65) Make predisposition studies and submit reports and recommendations to the court as required by this chapter, ~~except as provided in subdivision (3) of this subsection.~~

(76) Collect and compile statistical data and file such reports as may be required by the Administrative Director of Courts pursuant to subdivision (1) of Section 12-5-10. The reports may include, but shall not be limited to, statistical data, case studies, and research materials.

~~(8) Collect and compile data and file reports required by the Department of Youth Services.~~

~~(7) Notify the state, and either the parent, guardian, or custodian of juvenile criminal sex offender, or attorney of the juvenile criminal sex offender, of the pending release and provide them with a copy of the risk assessment pursuant to Section 15-20-28 (b).~~

(98) Perform other functions as are designated by this chapter or directed by the court.

(b) For the purposes of this chapter, a juvenile probation officer or representative of the Department of Human Resources, ~~with the approval of the court,~~ shall have the power, unless otherwise ordered by the court, to take into custody and place in shelter or detention care a child who is under his or her supervision as a delinquent, in need of supervision, or dependent when the probation officer or representative of the Department of Human Resources has reasonable cause to believe that the child has violated the conditions of his or her probation, aftercare, or terms of protective supervision or that he or she may flee from the jurisdiction of the court. A juvenile probation officer does not have the powers of a law enforcement officer ~~with respect to a person who is not on probation or otherwise under his or her supervision.~~

(c) If a juvenile probation officer or representative of the Department of Human Resources takes a child into custody, he or she shall proceed as provided for in Section 12-15-58.

§ 12-15-8. [GPI] Appointment by courts of guardians ad litem ~~or guardians of the person for children.~~

(a) The court, at any stage of a proceeding under this chapter, may appoint a guardian ad litem for a child who is a party to the proceeding if he has no parent or guardian or custodian appearing on his behalf or their interests conflict with those of the child. A party to the proceeding or his employee or representative shall not be so appointed.

~~(b) The court, in any proceeding under this chapter, shall appoint a guardian of the person for a child in any case where it finds that the child does not have a natural or adoptive parent in a position to exercise effective guardianship or a legally appointed guardian of his person. No officer or employee of a state or local public agency or private agency which is vested with legal custody of a child shall be appointed guardian of the person of the child, except when parental rights have been terminated and the agency has been authorized to place the child for adoption.~~

(b) The duties of the guardian ad litem shall be as follows:

(1) Irrespective of the child's age, meet with the child prior to court hearings and when apprised of emergencies or significant events impacting on the child. In addition, the guardian ad litem must explain, in terms understandable to the child, what is expected to happen before, during, and after each hearing.

(2) Conduct a thorough and independent investigation.

(3) Seek appropriate services for the child and the family.

(4) Attend all court hearing scheduled by the court.

(c) Before being appointed by the court, every guardian ad litem appointed in juvenile dependency or termination of parental rights cases shall be certified.

1
2 § 12-15-9. [GPI] Issuance of order to parents, etc., for payment for support, treatment, etc.,
3 of children in custody of persons other than parents generally; proceedings upon
4 failure of parents, etc., to pay amounts directed.

5 Whenever legal custody of a child is vested in someone other than his parents, after due notice to
6 the parents or other persons legally obligated to care for and support the child and after a hearing,
7 the court may order that the parent or other legally obligated person shall pay in such manner as
8 the court may direct a reasonable sum that will cover in whole or in part the support and
9 treatment of the child after the order is entered and including support, treatment, costs and legal
10 fees from the commencement of the proceeding.

11 If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court
12 may proceed against him for contempt or the order may be filed and shall constitute a civil
13 judgment.

14 § 12-15-10. [GPI] Liability of counties for ~~court costs, attorney's fees and expenses for of~~
15 maintenance and care of children generally; manner of payment.

16 ~~All~~ Except as otherwise provided in this chapter, all expenses necessary or appropriate to the
17 carrying out of the purposes and intent of this chapter and all expenses of maintenance and care
18 of children that may be incurred by order of the court ~~in carrying out the provisions and intent of~~
19 ~~this chapter, except costs paid by parents, guardians or trustees, court costs as provided by law~~
20 ~~and attorney fees~~ shall be valid charges and preferred claims against the county and. Such
21 claims shall be paid by the county treasurer when itemized and sworn to by the creditor or other
22 persons knowing the facts in the case and approved by the court.

23 ~~§ 12-15-10.1. Attorney fees provisions repealed.~~

~~Provisions in Section 12-15-10, making attorney fees valid charges and preferred claims against the county and directing that such fees be paid by the county treasurer, are hereby specifically repealed.~~

§12-15-11. [GPI] Issuance of order to parents, etc., for payment of court costs, attorney's fees and expenses for support, treatment, etc., of children; manner of payment, etc.; proceedings upon failure of parents, etc., to pay amounts directed.

If, after due notice to the parents or other persons legally obligated to care for and support the child and after a hearing, the court finds that they are financially able to pay all or part of the court costs, as provided by law, attorney fees and expenses with respect to examination, treatment, care or support of the child incurred in carrying out the provisions of this chapter, the court shall order them to pay the same and may prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the court for remittance to those to whom compensation is due. If the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required to pay in a like manner. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him or her for civil and/or criminal contempt, ~~or and~~ the order may be filed and shall constitute a civil judgment.

§ 12-15-11.1. [Del] Order requiring parents or guardian to assist delinquent child in complying with terms of probation; penalties; exemptions.

(a) In all cases where a child has been declared a delinquent child and granted probation, the court, as a condition of granting probation to the child, may order the parents or legal guardian of the child to assist the court in ensuring that the child complies with the terms of his or her probation.

(b) Prior to granting probation, the court shall explain to the parents and the child the terms of his or her probation, including the responsibility and the penalty which may be imposed on both parties for failure to comply with the terms of the probation.

(c) A parent who fails to assist his or her child in complying with the terms of the probation may be held in criminal contempt and may be fined in an amount not exceeding three hundred dollars (\$300) and imprisonment not exceeding 30 days, or both.

(d) This section shall not apply to the legal custodian of a child, and parents, or legal guardian, who initiated a case by filing a petition alleging delinquency of the child.

§ 12-15-12. [GPI] Punishment for contempt of court of persons disobeying orders of court, ~~etc.,~~ generally; limitation upon powers of courts with respect to children violating terms and conditions of orders of protective supervision.

(a) Subject to the laws relating to the procedures therefor and the limitations thereon, the court may punish a person for contempt of court for disobeying an order of the court or for obstructing or interfering with the proceedings of the court or the enforcement of its orders.

(b) Notwithstanding the provisions of subsection (a) of this section, the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of the order of protective supervision to those which the court could have taken at the time of the court's original disposition under subsection (a) of Section 12-15-71.

§ 12-15-13. [GPI] ~~Causing, etc., of~~ Contributing to the delinquency, dependency or need of supervision of children.

(a) It shall be unlawful for any parent, guardian or other person to willfully aid, encourage or cause any child to become or remain delinquent, dependent or in need of supervision or by words, acts, threats, commands or persuasions, to induce or endeavor to induce, aid or encourage any child to do or perform any act or to follow any course of conduct which would cause or

1 manifestly tend to cause such child to become or remain delinquent, dependent or in need of
2 supervision or by the neglect of any lawful duty or in any other manner contribute to the
3 delinquency, dependency or need of supervision of a child. The employment of any child in
4 violation of any of the provisions of the child labor law, or permitting, conniving at, aiding or
5 abetting such employment shall be held to be encouraging, causing and contributing to the
6 delinquency, dependency or need of supervision of such child. Failure on the part of any parent,
7 guardian or other person having custody of the child to cause such child to attend school as
8 required by the compulsory attendance law shall be held to be encouraging, causing and
9 contributing to the delinquency, dependency or need of supervision of such child.

10 (b) Whenever, in the course of any proceedings under this chapter or when, by affidavit as
11 provided in this subsection, it shall appear to the juvenile court that a parent, guardian or other
12 person having custody, control or supervision of a child or any other person not standing in any
13 such relation to such child has aided, encouraged or caused such child to become delinquent,
14 dependent or in need of supervision, as defined in this chapter, or has by words, act or omission
15 contributed thereto or has, by threats, commands or persuasion, induced or endeavored to induce,
16 aided or encouraged such child to do or perform any act or to follow any course of conduct
17 which would cause or manifestly tend to cause such child to become or remain delinquent,
18 dependent or in need of supervision, the court shall, for the protection of such child from such
19 influences, have jurisdiction in such matters, as provided in this section. The court shall cause
20 such parent, guardian or other person to be brought before it upon either summons or a warrant,
21 affidavit of probable cause having first been made.

22 (c) Whoever violates any provision of this section shall be guilty of a misdemeanor and, upon
23 conviction thereof, shall be fined not more than \$500.00 or sentenced to ~~hard labor for~~ the county
24 jail for a period not to exceed 12 months or both.

(d) Upon conviction, the court shall have the power to suspend any sentence, remit any fine or place such person on probation under such orders, directives or conditions for his discipline and supervision as the court deems fit.

§ 12-15-14. [GP] Disregarding, ~~etc., of~~ lawful order of court ~~or interference with custody of child under jurisdiction of court.~~

Any person who knowingly and willfully disregards or fails to obey any lawful order made by the court under the provisions of this chapter ~~or who knowingly and willfully interferes with the custody of any child under the jurisdiction of said court~~ shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or sentenced to ~~hard labor for~~ the county jail for a period not to exceed six months, or both. The court shall, however, have the power to suspend any sentence, remit any fine or place ~~such the~~ person on probation under such orders, directives or conditions for his discipline and supervision as the court deems fit.

§ 12-15-15. [GP] Removal, concealment, etc., of delinquent or dependent child or child in need of supervision, etc.; interference with performance of duties by probation officer, etc.

~~(a) It shall be unlawful for any person to remove, conceal or cause to be removed or concealed, or attempt so to do, any delinquent or dependent child or one in need of supervision, as defined in this chapter, or one alleged in a petition or order of transfer filed in said court to be so or any child whose custody is the subject of controversy in said court, or for any person to interfere with the custody of or remove or attempt to remove any delinquent or dependent child or one in need of supervision or one alleged so to be or any child whose custody is the subject of controversy in said court who is in the custody of the court or of a probation officer or any other officer or person designated by the court as a special officer or any such child who has been by said court committed to a department of state government, any person, persons, institution,~~

1 ~~association or corporation, under the terms of this chapter or by virtue of its general equity~~
2 ~~jurisdiction.~~

3 (ba) It shall be unlawful for any person to interfere knowingly with or oppose or otherwise
4 obstruct any probation officer or representative of the ~~department of human resources~~Department
5 of Human Resources in the performance of his or her duties ~~under pursuant to~~ this chapter.

6 (eb) Any person violating any of the provisions of this section shall be guilty of a
7 misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or sentenced to
8 ~~hard labor for~~ the county jail for a period not to exceed 12 months, or both.

9 (ec) The court shall, however, have the power to suspend any sentence, remit any fine or
10 place such person on probation under such orders, directives or conditions for his discipline and
11 supervision as the court deems fit.

12